

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

AMY LEE SULLIVAN d/b/a DESIGN KIT,

Plaintiff,

v.

FLORA, INC.,

Defendant.

ORDER

15-cv-298-wmc

Before the court is plaintiff Amy Sullivan's motion for modification of the revised scheduling order (dkt. #116), which is GRANTED IN PART AND DENIED IN PART. The court held a hearing on the motion at which the parties appeared by counsel. For the reasons explained on the record, plaintiff's request to extend the deadline for supplementing her Rule 26(a)(1)(A)(iii) disclosures is GRANTED. That deadline is extended until January 16, 2017. To ameliorate any prejudice to defendant Flora, its deadline for disclosing its damages expert also is extended to March 15, 2017. In order to accommodate depositions of defendant's expert, the discovery cutoff is also extended to March 30, 2017.

Plaintiff's request to submit a rebuttal expert report, however, is DENIED without prejudice to plaintiff seeking leave to address any "evidence and assertions not previously seen by Amy Sullivan's experts." (Pl.'s Mot. (dkt. #116) 2.) As the court explained, plaintiff may also move to strike some of all of defendant's expert report for failure to disclose any requested damages evidence and/or move for sanctions. Plaintiff is cautioned, however, to ensure that her expert report as the proponent -- the party who bears the burden of demonstrating damages -- covers all areas necessary for her to prove her damages request.

Entered this 16th day of December, 2016.

BY THE COURT:

/s/

WILLIAM M. CONLEY

District Judge